

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARCUS ZAMUDIO-OROZCO,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. 12-cv-1031-RAJ-JPD

REPORT AND RECOMMENDATION

Petitioner, proceeding *pro se* and *in forma pauperis*, has filed three proposed petitions for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkts. 7, 9, 12. However, the Court declined to serve the petitions, and granted petitioner leave to amend, due to petitioner's failure to name the correct respondents. Dkts. 8, 10, 13.

Petitioner's most recent submission, dated September 6, 2012, included only the first page of a second amended habeas petition improperly naming the "Attorney General of the United States" as respondent. Dkt. 12. Petitioner's submission failed to include the rest of petitioner's habeas petition, such as his claims for relief. *Id.* By Order dated September 12, 2012, the Court advised petitioner that he no longer needs to name a state officer having custody of petitioner as respondent, because petitioner has been released from custody since he initiated this action. Dkt. 13 at 2. However, Rule 2(b) of the Rules Governing Section

1 2254 Cases in the United States District Courts requires petitioner to name the Washington
2 Attorney General, Robert McKenna, as respondent in this action. *Id.* Moreover, the Court
3 advised petitioner that Rule 2(c) provides that the habeas petition must legibly set forth all the
4 grounds for relief available to the petitioner, state the facts supporting each ground, state the
5 requested relief, and be signed under penalty of perjury. *See id.* Petitioner was granted an
6 additional thirty (30) days to submit a third amended habeas petition that corrected these
7 deficiencies. *See id.* at 3. To date, however, petitioner has not responded to this Court's
8 Order, or filed a third amended habeas petition.

9 Accordingly, the Court RECOMMENDS that petitioner's habeas action be
10 DISMISSED without prejudice for failure to prosecute. The Clerk of the Court is directed to
11 send a copy of this Report and Recommendation to petitioner, and to the Honorable Richard
12 A. Jones.

13 DATED this 31st day of October, 2012.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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